

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DANE R. GILLETTE
Chief Assistant Attorney General
3 JULIE L. GARLAND
Senior Assistant Attorney General
4 ANYA M. BINSACCA
Supervising Deputy Attorney General
5 DENISE A. YATES, State Bar No. 191073
Deputy Attorney General
6 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
7 Telephone: (415) 703-5531
Fax: (415) 703-5843
8 Email: Denise.Yates@doj.ca.gov
Attorneys for Respondent Ben Curry, Warden at the
9 Correctional Training Facility
SF2008401142

10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
13 OAKLAND DIVISION
14

15 **FREDERICK LEE BAKER,**

Petitioner,

16
17 v.

18 **BEN CURRY, WARDEN,**

19 Respondent.
20

No. C 07-06289 CW (PR)

**RESPONDENT'S REQUEST FOR
AN EXTENSION OF TIME;
SUPPORTING DECLARATION OF
COUNSEL**

21 **REQUEST FOR AN EXTENSION OF TIME**

22 Respondent Ben Curry, Warden at the Correctional Training Facility, requests that this
23 Court, for the reasons set forth in the accompanying declaration of counsel, grant an extension of
24 time to, and including, August 20, 2008, to respond to Petitioner's Motion for Preliminary
25 Injunction.

26 **DECLARATION OF COUNSEL**

27 I, Denise A. Yates, declare:

28 1. I am an attorney admitted to practice before the courts of the State of California

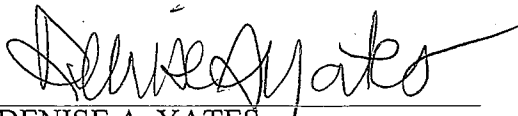
1 and in this Court. I am employed by the California Attorney General's Office as a Deputy
2 Attorney General in the Correctional Writs and Appeals Section. I am assigned to represent
3 Respondent in this case in which Petitioner Baker challenges his 2004 parole decision whereby
4 the Board ordered his parole hearing reheard because the entire hearing was unable to be
5 transcribed.

6 2. Petitioner Baker has filed a Motion for Preliminary Injunction, requesting that this
7 Court prohibit the Board of Parole Hearings from destroying the BPT 1000(a)-(b) worksheets at
8 his next parole consideration hearing scheduled for October 17, 2008. It is unknown if this Court
9 will require Respondent to address this Motion brought in this case challenging a different parole
10 hearing and thus, if Respondent is required to respond pursuant to Civil Local Rule 7-3. If so, I
11 need additional time to respond to the Motion because I will be out of the office during the week
12 of July 14, 2008. In addition, between July 21 and August 20, 2008, I am scheduled to prepare
13 twelve substantive filings. Accordingly, Respondent respectfully requests additional time to file
14 a response to Petitioner's Motion for Preliminary Injunction, if one is required.

15 3. This request for an extension of time is not made for any purpose of harassment,
16 undue delay, or for any improper reason. Petitioner Baker should not be prejudiced by this
17 request for an extension of time. Respondent has not requested any other extensions of time to
18 respond to Petitioner's Motion for Preliminary Injunction. Petitioner Baker is incarcerated in
19 state prison and cannot easily be contacted about this requested extension of time.

20 4. Without an extension of time, Respondent would be substantially harmed or
21 prejudiced in that I would not be able to prepare a proper and thorough response to Petitioner's
22 Motion.

23 I declare under penalty of perjury that the foregoing is true and correct and that this
24 declaration was executed on July 11, 2008, at San Francisco, California.

25
26 
27 DENISE A. YATES
28 Deputy Attorney General

DECLARATION OF SERVICE BY U.S. MAIL

Case Name: **Baker v. Curry**

No.: **C 07-06289 CW**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On **July 14, 2008**, I served the attached

**RESPONDENT'S REQUEST FOR AN EXTENSION OF TIME; SUPPORTING
DECLARATION OF COUNSEL**

PROPOSED ORDER

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

**Frederick Lee Baker, C-22918
Correctional Training Facility
P.O. Box 689
Soledad, CA 93960-0689
In Pro Per**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on **July 14, 2008**, at San Francisco, California.

J. Palomino
Declarant

J. Palomino
Signature